

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 490

October 17, 1995, 5:40 p.m.
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CUBAN LIBERTY ACT/Term Limits

SUBJECT: Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 . . . H.R. 927. Ashcroft motion to table the Ashcroft modified amendment No. 2916 to the Dole et al. substitute amendment No. 2898.

ACTION: MOTION TO TABLE AGREED TO, 49-45

SYNOPSIS: As introduced, H.R. 927, the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995, will strengthen sanctions against the communist Cuban government.

The Dole et al. substitute amendment would strengthen international sanctions against the Castro dictatorship in Cuba, develop a plan to support a transition government leading to a democratically elected government in Cuba, and enact provisions addressing the unauthorized use of property of United States citizens confiscated by the Castro dictatorship.

The Ashcroft modified amendment would express the sense of the Senate "that the United States Senate should pass a constitutional amendment limiting the number of terms Members of Congress can serve."

Debate was limited by unanimous consent. Following debate, Senator Ashcroft moved to table the amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Argument 1:

Each election makes the argument in favor of term limits weaker. The advantages of incumbency, if they ever really existed, appear to be on the wane. A few Members are left in both Houses who have been in Congress for decades, but most Members have only been around for a few terms at most. Americans may still be disgusted with Congress, and believe it fails to represent them, but they have elected all its Members and there has been incredible turnover in recent years. Members do not need to vote on the issue, because every election the voters are deciding it for them.

(See other side)

YEAS (49)			NAYS (45)			NOT VOTING (4)	
Republicans (10 or 19%)	Democrats (39 or 93%)		Republicans (42 or 81%)	Democrats (3 or 7%)		Republicans (1)	Democrats (3)
Chafee	Akaka	Hollings	Abraham	Gregg	Feinstein	Hatfield- ²	Exon- ²
Cochran	Baucus	Inouye	Ashcroft	Hatch	Kohl		Mikulski- ²
Jeffords	Biden	Johnston	Bennett	Helms	Wellstone		Moseley-Braun- ²
Kassebaum	Bingaman	Kennedy	Bond	Hutchison			
Lott	Bradley	Kerrey	Brown	Inhofe			
Lugar	Breaux	Kerry	Burns	Kempthorne			
McConnell	Bryan	Lautenberg	Campbell	Kyl			
Roth	Bumpers	Leahy	Coats	Mack			
Snowe	Byrd	Levin	Cohen	McCain			
Specter	Conrad	Lieberman	Coverdell	Murkowski			
	Daschle	Moynihan	Craig	Nickles			
	Dodd	Murray	D'Amato	Pressler			
	Dorgan	Nunn	DeWine	Santorum			
	Feingold	Pell	Dole	Shelby			
	Ford	Pryor	Domenici	Simpson			
	Glenn	Reid	Faircloth	Smith			
	Graham	Robb	Frist	Stevens			
	Harkin	Rockefeller	Gorton	Thomas			
	Heflin	Sarbanes	Gramm	Thompson			
		Simon	Grams	Thurmond			
			Grassley	Warner			
						VOTING PRESENT(1) Boxer	
						EXPLANATION OF ABSENCE: 1—Official Business 2—Necessarily Absent 3—Illness 4—Other	
						SYMBOLS: AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	

We hope, though, that at least a few Members will continue to be reelected for multiple terms, because being a Senator or a Representative in this day and age is a great deal more time-consuming and difficult a task to master than it was in the early days of our Republic. Some people may nostalgically hope to return to the days of citizen-legislators, when Congress met for only a couple of months out of a year, but this hope is unrealistic. A citizen-legislator will not master the intricacies of decades worth of arms control treaties in a month or two of study, nor will a citizen-legislator learn the details of the budget process with a little classroom study, nor will he or she become a master of parliamentary procedures with a short perusal of Riddick's. Mastery comes only with experience. Congress will function much more poorly if it does not have at least a few Members with the institutional knowledge and expertise needed to move the legislative process along. Further, we think that the idea that America has ever been run, or was ever meant to be run, by citizen-legislators is a myth. Our Founding Fathers considered and rejected term limits, and many of them devoted most of their careers to public service. Today, they would be disdainfully dismissed as "career politicians."

Americans are not disgusted with Congress because Members serve for too long; they are disgusted with Congress because of what it does. Senators should keep in mind that Americans did not clamor for term limits before Federal spending went out of control and an enormous debt was accumulated. Generally, Republicans believe that the problem is that the Government taxes the American people too much and spends more than it collects in taxes, and that it spends much of that money on social welfare programs that Americans do not support. Further, they also believe the Government spends tremendous amounts on middle-class entitlement programs that Americans strongly favor. Republicans, therefore, favor balancing the budget by limiting spending (including on popular middle-class entitlement programs), cutting taxes, and cutting the size of the Government. Democrats, on the other hand, do not generally mind the size of the Government. They trace the United States' current fiscal woes to the 1981 tax cut. Many Democrats recognize the size of the deficit problem, and thus advocate spending cuts (mostly in defense) and tax increases.

Though those of us who oppose term limits who are Democrats and those of us who oppose term limits who are Republicans disagree on how to make the hard decisions that are necessary, we agree that we should not duck making those decisions. We should not wash our hands of this mess by limiting the terms we serve and then claiming we have been responsible. Though we know we will be vilified for voting against this amendment, we think we are right for doing so, and urge our colleagues to join us.

Argument 2:

We are undecided as to how we will vote on a constitutional amendment to limit terms. How we vote may hinge on the wording of any proposed amendment. The Ashcroft amendment does not give us any indication as to how a constitutional amendment would be worded. We do not want to give the impression that we are willing to consider any term limit amendment, regardless of the form in which it is presented. Therefore, we must support the motion to table.

Those opposing the motion to table contended:

Argument 1:

Senators are very familiar with the arguments pro and con on the term limits debate. Senators who favor term limits are with the American people on this issue. All the polls show overwhelming support for limits, 40 States already have enacted limits for their governors, and 20-some States have attempted to term limit the U.S. Congress. The American people, and we, believe that a gulf has widened between them and the Congress. Members primary goal in life is to be reelected, and that goal has robbed them of the ability to exercise leadership when tough decisions need to be made. Members have become adept at being reelected, and as they have become more secure the American people have come to view Congress as arrogant, distant, and always willing to sacrifice the common good to serve the special interests who get them reelected.

Some Senators have criticized us for demanding this vote at this point. They tell us that procedurally we should wait. We emphatically disagree. The American people, after a brief surge in confidence after the recent elections, again have a dismal view of Congress. They believe that delays that have occurred in considering needed reforms indicate a lack of resolve. To them, it looks as though they have elected one more Congress with plenty of rhetoric and little resolve. Some Senators think we should avoid the battle because we may not win--we think we should at least live up to our commitment to try.

The United States needs to return to the concept of the citizen-legislator, who serves for a short period of time as a public duty rather than as a career, and then returns to private life. Our purpose in offering this amendment, though, is not to resolve this issue now, but to put Senators on record. This vote is not the end--it is the beginning. It will merely set the stage for what is to follow.

Argument 2:

We have no objection to discussing and voting on term limits. The past two weeks there has been a lull in the legislative storm; we were ready and willing to schedule the issue of term limits for thorough consideration during this period but advocacy groups asked us to delay scheduling it because they did not think they had enough votes to prevail. The Ashcroft amendment merely states

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that the Senate should vote on this issue at some time. We agree, and thus support this amendment.